

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA**

Rebecca S. Clark,	)	
	)	
Plaintiff,	)	Civil Action No. 0:15-1352-RMG
	)	
vs.	)	
	)	
Carolyn W. Colvin, Acting Commissioner	)	<b>ORDER</b>
of Social Security Administration,	)	
	)	
Defendant.	)	
	)	
	)	

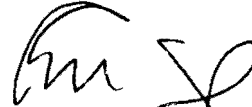
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This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Disability Insurance Benefits ("DIB"). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation on July 14, 2016, recommending that the decision of the Commissioner be reversed and remanded because the ALJ's failure to follow a prior order of this Court that the Commissioner evaluate on remand Plaintiff's complaint of a persistent cough. (Dkt. No. 24). As the Magistrate Judge observed, there is no evidence of any consideration on remand of the cough issue. (*Id.* at 6). The Commissioner has filed a response to the Magistrate Judge's Report and Recommendation indicating that she will file no objections. (Dkt. No. 26).

The Court has reviewed the Report and Recommendation and the record evidence and finds that the Magistrate Judge has ably addressed the factual and legal issues in this matter. Therefore, the Court **ADOPTS** the Report and Recommendation (Dkt. No. 24) as the order of

this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. M. Gergel', is written over a horizontal line.

Richard Mark Gergel  
United States District Judge

Charleston, South Carolina  
July 27, 2016